

1982 WL 189242 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 7, 1982

*1 Ms. Pinkey Dickey
Auditor of Fairfield County
Winnsboro, South Carolina 29180

Dear Ms. Dickey:

Mr. McLeod has referred your recent letter to me for reply. You have requested a definite date of the expiration of your term of office. I have been informed that you were elected to the Office of Fairfield County Auditor and your term commenced July 1, 1979 for a term as provided by law.

Section 4 of the original Home Rule Act [1975(59)692] provides that if an auditor is elected he is to be elected in the general election for a four (4) year term. South Carolina Code of Laws, 1976, Section 4-9-60 provides that [u]nder the council, council-supervisor and council administrator forms of government . . . the county auditor shall be elected. Officials serving unexpired terms when a form of government provided for in this chapter shall be a particular county shall continue to serve until successors are elected and qualify. Under the council-manager form the . . . county auditor shall serve out their unexpired terms but shall thereafter be elected or appointed as council shall by ordinance prescribe.

It is my understanding that Fairfield County is under the council administrator form of government. If so, then you would have been elected to a four (4) year term.

South Carolina Code of Laws, 1976, Section 4-11-10 states that terms for county officers begin on the first Tuesday in January next following their election. Therefore, under the statutes your term should have started in January following your election and run for four (4) years. I have checked with the Secretary of State and his records do not clarify this situation as you have informed us that you began your term of office on July 1, 1979.

It may be that your office has been elected at a different date than that set by statute due to some local legislation. Therefore, I would advise you to contact your county attorney who would be in the best position to assist you as he would be more familiar with this local law.

I am enclosing for your information a prior opinion of this Office by Mrs. Henderson concerning the term of office for county auditor which reached the same conclusion as to the date of commencement of the term of office for county auditors.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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